

# HOUSE BILL No. 1104

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-31.5-2; IC 35-46-10.

**Synopsis:** Adulterant and synthetic urine ban. Defines the term "adulterant". Defines the term "synthetic urine". Makes the: (1) distribution; (2) marketing; (3) offering for sale; or (4) transportation into Indiana; of adulterants or synthetic urine for the purpose of defrauding an alcohol, drug, or urine screening test a Class B misdemeanor. Enhances the offense to a Class A misdemeanor for a person with a prior unrelated conviction for the offense. Lists factors that may be used to infer intent to defraud an alcohol, drug, or urine screening test.

**Effective:** July 1, 2017.

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January 12, 2017, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1104

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 35-31.5-2-9.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2017]: **Sec. 9.5. "Adulterant", for purposes**  
4 **of IC 35-46-10, has the meaning set forth in IC 35-46-10-1.**

5 SECTION 2. IC 35-31.5-2-224, AS AMENDED BY P.L.185-2013,  
6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2017]: Sec. 224. (a) "Owner", for purposes of IC 35-43-1-3,  
8 has the meaning set forth in IC 35-43-1-3(a).

9 (b) "Owner", for purposes of IC 35-48-3, has the meaning set forth  
10 in IC 35-48-3-1.5.

11 (c) "Owner", for purposes of IC 35-49, has the meaning set forth in  
12 IC 35-49-1-6.

13 (d) "Owner", for purposes of IC 35-46-10, means any person  
14 with an ownership interest or right to profit in a business.

15 SECTION 3. IC 35-31.5-2-322.5 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2017]: **Sec. 322.5. "Synthetic urine", for**



purposes of IC 35-46-10, has the meaning set forth in IC 35-46-10-2.

SECTION 4. IC 35-46-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

**Chapter 10. Synthetic Urine and Adulterants**

**Sec. 1. (a)** As used in this chapter, "adulterant" means any substance that is added to human urine for the purpose of defrauding an alcohol, drug, or urine screening test.

**(b)** Adulterants include the following substances:

- (1) Bleach.
- (2) Chromium.
- (3) Creatinine.
- (4) Detergent.
- (5) Glutaraldehyde.
- (6) Glutaraldehyde/squalene.
- (7) Hydrochloric acid.
- (8) Hydroiodic acid.
- (9) Iodine.
- (10) Nitrite.
- (11) Papain/papaya proteinase I.
- (12) Peroxidase.
- (13) Peroxide.
- (14) Potassium dichromate.
- (15) Potassium nitrite.
- (16) Pyridinium chlorochromate.
- (17) Sodium nitrite.

**Sec. 2.** As used in this chapter, "synthetic urine" means any substance that is designed to simulate the:

- (1) composition;
- (2) chemical properties;
- (3) physical appearance; or
- (4) physical properties;

of human urine for the purpose of defrauding an alcohol, drug, or urine screening test.

**Sec. 3.** An owner who:

- (1) distributes;
- (2) markets;
- (3) offers for sale;
- (4) transports into Indiana; or
- (5) allows any action described in subdivisions (1) through (4) to occur at the owner's place of business;



1 with the intent to defraud or assist an individual in defrauding an  
2 alcohol, drug, or urine screening test commits a Class B  
3 misdemeanor. However, the offense is a Class A misdemeanor if  
4 the person has a prior unrelated conviction under this section.

5 Sec. 4. The finder of fact may infer an intent to defraud an  
6 alcohol, drug, or urine screening test if one (1) or more of the  
7 following conditions occur:

8 (1) Instructions on how to defraud an alcohol, drug, or urine  
9 screening test accompany the distribution, marketing, sale, or  
10 transportation of the adulterant or synthetic urine.

11 (2) The price of the adulterant or synthetic urine is  
12 substantially higher than the price of competing goods being  
13 distributed, marketed, sold, or transported for lawful and  
14 legitimate purposes.

15 (3) Evidence of clandestine distribution, marketing, sale, or  
16 transportation of the adulterant or synthetic urine exists.

17 (4) A heating device, compound, or element accompanies the  
18 distribution, marketing, sale, or transportation of the  
19 adulterant or synthetic urine.

20 (5) Any other evidence indicative of an intent to defraud an  
21 alcohol, drug, or urine screening test is present.

